

Amendments to the Claims

1. (Currently Amended) A method for controlling an audio recording level, comprising the steps of:

- a) ~~recording entry audio data in song units and simultaneously decoding the audio data, and detecting audio data and determining an audio level average of the decoded audio data; and~~
- b) variably controlling an audio level of a song to be recorded later on the basis of the detected audio level average.

2. (Currently Amended) The method as set forth in claim 1, wherein the step (a) determines the audio level average of the ~~decoded~~ audio data by excluding a certain part of the ~~decoded~~ audio data having an audio level outside of a prescribed maximum-minimum reference level.

3-4. (Canceled)

5. (Currently Amended) The method as set forth in claim 1, ~~wherein the step (a) records further comprising simultaneously recording the entry audio data to a recording medium, and the method further comprising:~~

- (c) recording the variably controlled audio level of the song to the recording medium.

6. (Original) The method as set forth in claim 5, wherein the recording medium is one of the following: an optical disk, a HDD (hard disk driver), a DRAM (dynamic random access memory), and a flash memory.

7. (Currently Amended) A method for controlling an audio recording level, comprising the steps of:

- a) decoding entry audio data to be recorded in song units, and ~~detecting~~ determining an audio level average of the decoded entry audio data; and
- b) variably controlling a level of subsequent decoded audio data on the basis of the ~~detected~~ determined audio level average, ~~encoding the variably controlled audio data level,~~ and ~~recording the encoded audio data to a recording medium.~~

8. (Original) The method as set forth in claim 7, wherein the step (b) includes the steps of:

- b1) calculating an offset value between the detected audio level average and an audio level average of a firstly recorded song;
- b2) adjusting an audio level of a subsequent song unit on the basis of the offset value; and
- b3) encoding and recording the subsequent song unit having the adjusted audio level.

9. (Original) The method as set forth in claim 7, wherein the step (b) includes the steps of:

b4) calculating an offset value between the detected audio level average and an audio level average of a previously recorded song;

b5) adjusting an audio level of a subsequent song unit on the basis of the offset value; and

b6) encoding and recording the subsequent song unit having the adjusted audio level.

10. (Original) The method as set forth in claim 7, wherein the recording medium is one of the following: an optical disk, a HDD (hard disk driver), a DRAM (dynamic random access memory), and a flash memory.

11. (Original) The method as set forth in claim 7, wherein the decoded entry audio data is in a first audio format type, and the subsequent decoded audio data is in a second audio format type, the first and second audio format types different from each other.

12. (Currently Amended) An apparatus for controlling an audio recording level, comprising:

~~means for recording entry audio data in song units and simultaneously decoding the audio data, and a detector for detecting determining an audio level average of the decoded data;~~

and

means a controller for variably controlling an audio level of a song to be recorded later on the basis of the detected determined audio level average.

13. (Currently Amended) The apparatus as set forth in claim 12, wherein the audio level average of the decoded audio data is determined by excluding certain part of the decoded data having an audio level outside of a prescribed maximum-minimum reference level.

14-15. (Canceled)

16. (Currently Amended) The apparatus as set forth in claim 12, ~~wherein the means for recording further comprising a recorder that simultaneously records the entry audio data to a recording medium, and records the variably controlled audio level of the song to the recording medium.~~

17. (Original) The apparatus as set forth in claim 16, wherein the recording medium is one of the following: an optical disk, a HDD (hard disk driver), a DRAM (dynamic random access memory), and a flash memory.

18. (Currently amended) An apparatus for controlling an audio recording level, comprising:

~~first means a decoder for decoding entry audio data to be recorded in song units, and a detector for detecting determining an audio level average of the decoded entry audio data; and second means a controller for variably controlling a level of subsequent decoded audio data on the basis of the detected determined audio level average, encoding the variably controlled audio data level, and recording the encoded audio data to a recording medium.~~

19. (Currently Amended) The apparatus as set forth in claim 18, wherein the ~~second means calculator~~ includes:

~~means a calculating unit for calculating an offset value between the detected determined audio level average and an audio level average of a firstly recorded song;~~

~~means an adjusting unit for adjusting an audio level of a subsequent song unit on the basis of the offset value; and~~

~~means an encoder for encoding and a recorder for recording the subsequent song unit having the adjusted audio level.~~

20. (Currently amended) The apparatus as set forth in claim 18, wherein the ~~second means controller~~ includes:

~~means a calculating unit for calculating an offset value between the detected determined audio level average and an audio level average of a previously recorded song;~~

~~means an adjusting unit for adjusting an audio level of a subsequent song unit on the basis of the offset value; and~~

| means an encoder for encoding and a recorder for recording the subsequent song unit having the adjusted audio level.

21. (Original) The apparatus as set forth in claim 18, wherein the recording medium is one of the following: an optical disk, a HDD (hard disk driver), a DRAM (dynamic random access memory), and a flash memory.

22. (Original) The apparatus as set forth in claim 18, wherein the decoded entry audio data is in a first audio format type, and the subsequent decoded audio data is in a second audio format type, the first and second audio format types different from each other.

23. (New) The apparatus as set forth in claim 18, wherein the recorder simultaneously records the entry audio data into a recording medium.